

DECLARATION

Attorney Docket No.  
26625-1002

As a below named joint inventor, each of us hereby declares as follows:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SMA actuator with improved temperature control,  
the specification of which is filed with the US PTO herewith.

I state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I claim the priority under 35 USC 119(e) of US Provisional Application No. 60/270,985, filed February 22, 2001.

Address all written correspondence to:  
Customer No. 25213.

Direct all telephone calls to:  
Derek P. Freyberg, at (650) 324-7014.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

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jeopardize the validity of this application or any patent issuing thereon.

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FIRST JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
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Peter E. von Behrens

*Peter E von Behrens*

19 FEB 2002

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RESIDENCE

CITIZENSHIP

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U.S.A.

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SECOND JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
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Dylan M. Fairbanks

*Dylan Fairbanks*

2/19/2002

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RESIDENCE

CITIZENSHIP

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201200111490001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

First Inventor Name: Peter E. von Behrens, et al.

App. No.: (not yet known)

Filing Date: (herewith)

For: SMA actuator with improved temperature control

Commissioner for Patents  
Washington, D.C. 20231

Sir:

POWER OF ATTORNEY BY ASSIGNEE  
AND STATEMENT UNDER 37 CFR 3.73

NanoMuscle, Inc. ("NanoMuscle") states that it is the assignee of the entire right, title and interest in the application identified above by virtue of an assignment from the inventors, a copy of which is attached hereto.

As assignee of the entire interest of the above identified application, NanoMuscle hereby appoints the practitioners at Customer Number 25213 as its attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

The undersigned is authorized to act on behalf of the assignee.

NanoMuscle, Inc.

By: 

Name: DANIELLE FOWLER

Position: VICE PRESIDENT, OPERATIONS

Date: 17 FEBRUARY 2002